

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5261 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/respondent seeking to quash the order, dated 25.1.2016, passed in CrI.M.P.No.242 of 2015 in M.C.No.51 of 2012 on the file of the XII Additional Sessions Judge – cum – Judge, Family Court, Guntur.

2. Heard and perused the material available on record.

3. Respondent Nos.1 and 2 are the wife and daughter of the petitioner respectively. They filed M.C.No.51 of 2012 before the Court below seeking maintenance of Rs.5,000/- each. Pending the maintenance case, they filed CrI.M.P.No.242 of 2015 before the Court below against the petitioner seeking amendment of prayer to the effect that respondent No.1 is entitled to Rs.30,000/- per month and respondent No.2 is entitled to Rs.15,000/- per month instead of Rs.5,000/- per month each and the said petition was allowed. Aggrieved by the same, the present petition is filed.

4. Learned counsel for the petitioner contended that even though originally, the prayer in the maintenance case is to grant maintenance of Rs.5,000/- per month each to respondent Nos.1 and 2, on filing of CrI.M.P.No.242 of 2015 by respondent Nos.1 and 2, the Court below passed the impugned order amending the prayer to seek maintenance from Rs.5,000/- each to Rs.30,000/- and Rs.15,000/- to respondent Nos.1 and 2 respectively; that no proper reasons were assigned for seeking amendment of the prayer; that there is no change or alteration in the circumstances existing as on the date of presenting the petition and to the date of filing the impugned application and the same is not maintainable and hence, he prays to quash the impugned order.

5. Considering the facts and circumstances of the case, this Court is of the view that though amendment is ordered by the Court below to amend the prayer for maintenance, it is always left open to the Court below to decide the quantum of maintenance on the basis of the evidence adduced by the parties concerned, more particularly, taking into consideration the fact that respondent Nos.1 and 2 are not capable to maintain themselves and also their social and economic status. Hence, this Court is not inclined to interfere with the impugned order and the Court below is directed to dispose of the M.C., as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

13.4.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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AMD